

Congress of the United States
Washington, DC 20515

May 27, 2011

Jon Whitmore
CEO, ACT, Inc.
500 ACT Drive
P.O. Box 168
Iowa City, Iowa 52243-0168

Dear Mr. Whitmore

A May 13, 2011 Bloomberg News article contained several issues associated with ACT, Inc.'s collection, use and disclosure of students' personal information ("Ivy League Colleges Solicit Students Rejected for Stake of Selectivity.") As Co-Chairmen of the Bi-Partisan Congressional Privacy Caucus, we are interested in ACT, Inc.'s data policies, procedures and practices. Accordingly, we would appreciate responses to the questions that follow.

1. What personal information about students does ACT, Inc. collect? How is it collected? When is it collected?
2. Does ACT, Inc. sell, rent or otherwise disclose student information that it collects to entities, including entities that are affiliated with ACT, Inc. or third parties? If yes, are students informed that the information they provide will be disclosed to others? If so, how? If not, why not?
3. Does ACT, Inc. make students aware that sharing their personal data with ACT, Inc. is optional and will not impact admissions to college? If yes, how? If not, why not? If ACT, Inc. does provide such a disclosure, please provide the text used to inform students of the disclosure policy.
4. How is student data collected by ACT, Inc. stored? What methods are used to protect information? Is the information encrypted?
5. Has information collected by ACT, Inc. ever been breached by authorized individuals, either from within ACT, Inc. or by others unaffiliated with it? If yes, please provide details.
6. Is ACT, Inc. aware of any instances when a school or company has purchased data from ACT, Inc. and subsequently suffered a data breach?

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7. Does ACT, Inc. place any data security or privacy requirements on third parties who purchase data from ACT, Inc.? For example, does ACT, Inc. require its customers to encrypt students' data, or otherwise protect it in any way? If yes, please describe in detail. If not, why not?
8. Does ACT, Inc. eliminate or otherwise require its customers to eliminate student information after a certain amount of time? If yes, what are these requirements? If not, why not?
9. Does ACT, Inc. limit the amount of data any individual organization may purchase? If not, why not? Is ACT, Inc. aware of how every purchaser of its data uses such data? If not, why not? Does ACT, Inc. impose any limits on how such data can be used? For example, does ACT, Inc. limit the amount of solicitations customers may send to any given students?
10. How can purchasers be held accountable to ensure proper usage of student information?
11. Does ACT, Inc. sell prospective student data to for-profit organizations? Does ACT, Inc. sell this data to companies that are not focused on educating youth? If yes, please provide a list.
12. How is revenue from data collection services used? Please provide a specific and detailed answer.

Please provide responses to these questions within fifteen business days or no later than June 16, 2011. If you have any questions, please have a member of your staff contact Mark Bayer of Rep. Markey's staff at 202-225-2836 or Emmanuel Guillory of Rep. Barton's staff at 202-225-2002.

Sincerely,


Edward J. Markey


Joe Barton